

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE

2005 FEB -2 PM 2:38

CARDILLO & SONS, INC., )  
                            )  
Plaintiff                 )  
                            )  
vs.                         )  
                            )  
                            DOCKET NO.: 04-12496-JLT  
MRH INTERNATIONAL, INC., )  
OFFICIAL SECURITY, INC., )  
DARRYL CRONFELD, and MARGARET )  
R. CRONFELD,                 )  
                            )  
Defendants                 )

U.S. DISTRICT COUR;  
DISTRICT OF MASS.

**DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO  
STATE CAUSES OF ACTION UNDER RULE 12(b) (6)**  
**(REQUEST FOR ORAL ARGUMENT)**

The Defendants move pursuant to Fed. R. Civ. P.  
12(b) (6) to dismiss each of the five (5) Counts of the  
First Amended Complaint for failure of each to state a  
cause of action. The particularized reasons for dismissal  
are set forth in Defendant's Memorandum filed herewith.

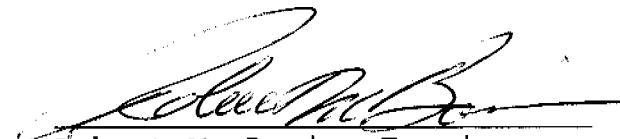
Respectfully submitted,  
By their attorneys,

DATED: *Feb 2, 2005*

  
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Robert M. Bonin, Esq. BBO# 049100  
BONIN & MARASHIAN  
77 Franklin Street, 4<sup>th</sup> Floor  
Boston, Massachusetts 02110  
(617) 723-2525

LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(A) (2), I hereby certify that I have conferred with counsel for the Plaintiff in a good faith effort to narrow areas of dispute related to this motion.

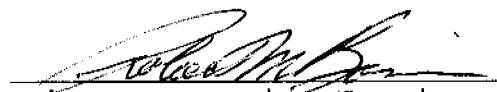


Robert M. Bonin, Esquire

**CERTIFICATE OF SERVICE**

I HEREBY certify that on this 2<sup>nd</sup> day of February, 2005 a copy of the foregoing was delivered to:

John F. Tocci, Esq.  
Tocci, Goss & Lee, P.C.  
35 India Street  
5<sup>th</sup> Floor  
Boston, Massachusetts 02110.



Robert M. Bonin, Esquire